

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Pasadena Avenue Monterey Road Committee for Variance of General Order 143B and Authority to Explore and Enter into Negotiations for Consideration and Implementation Pursuant to Public Utilities Code (PUC) §§ 1202, 7604 as a Pilot Project as Permitted by SB 1491.

Application 03-01-013
(Filed January 16, 2003)

Application of the Pasadena Avenue Monterey Road Committee and City of South Pasadena for Variance of General Order 75-C.

Application 03-07-049
(Filed July 25, 2003)

In the Matter of the Application of the City of South Pasadena for Approval of Ordinance 2121 Relating to Limitations of Train Speeds Pursuant to Section 7658 of the California Public Utilities Code.

Application 03-07-050
(Filed July 25, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING
MODIFYING SCHEDULE AND ON MOTIONS TO STRIKE**

Scheduling

On November 13, 2003, the applicants, Pasadena Avenue Monterey Road Committee and the City of South Pasadena (collectively, PAMRC), and respondent, Los Angeles County Metropolitan Transportation Authority (LACMTA), filed a Joint Motion for Extension of Procedural Dates. The purpose of the extension of time is to allow LACMTA to institute measures that could moderate noise impacts on communities near the Gold Line, including South Pasadena, prior to distributing its opening testimony in these proceedings. The

parties hope that the measures being considered by LACMTA will allow these proceedings to be resolved without an evidentiary hearing (EH), or at least to reduce the scope of the EH.

After consultation with the parties about the dates proposed by the parties, the Administrative Law Judge (ALJ) made some changes to the schedule presented by the parties. The modified schedule for the balance of these proceedings, set forth below, will allow this matter to be resolved within the 18-month period from the issuance of the scoping memo applicable to ratesetting proceedings, if post-hearing briefs are filed expeditiously and no significant additional delays occur.

Modified Schedule

Ongoing	Informal exchange of information
February 13, 2004	Testimony of LACMTA distributed to parties and ALJ
February 27, 2004	Motions, if any, directed to LACMTA testimony filed and served
March 5, 2004	Opposition to motions directed to LACMTA testimony filed and served
March 19, 2004	Rebuttal testimony of PAMRC and City distributed to parties and ALJ
March 26, 2004	Motions, if any, directed to PAMRC rebuttal testimony filed and served
April 2, 2004	Opposition to motions directed to PAMRC rebuttal testimony filed and served
April 5, 2004	Rebuttal testimony of LACMTA distributed to parties and ALJ
April 8, 2004	Motions, if any, directed to LACMTA rebuttal testimony filed and served

April 12—16, 2004 9:30 a.m.	Evidentiary Hearing, Commission Courtroom, San Francisco
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Motions to Strike

On October 10, 2003, LACMTA filed a Motion to Strike Testimony and Exhibits of Witness Michael Gonzalez (Gonzalez Motion) and a Motion to Strike Testimony and Exhibit of Witness Ino Rivera (Rivera Motion). In response to the Gonzalez Motion, PAMRC withdrew the testimony of Mr. Gonzalez and substituted the testimony of William O. Bayne, with new exhibits. The Gonzalez Motion is therefore moot and will not be decided.

The testimony of Mr. Rivera purports to show the noise conditions near the Gold Line in South Pasadena at particular times. Since LACMTA is proposing to make changes that may affect the noise conditions, it is not clear whether the Rivera testimony will continue to be relevant. PAMRC must notify the parties and the ALJ no later than January 15, 2004 whether it intends to offer the Rivera testimony. If PAMRC indicates its intention to offer the testimony, LACMTA may renew its motion to strike not later than January 21, 2004.

IT IS RULED that:

1. The schedule for these proceedings is modified as set forth herein.
2. LACMTA's Motion to Strike Testimony and Exhibits of Witness Michael Gonzalez is moot and will not be decided.
3. PAMRC must notify all parties and the ALJ no later than January 15, 2004 whether it intends to offer the testimony challenged in LACMTA's Motion to Strike Testimony and Exhibit of Witness Ino Rivera. LACMTA must notify all parties and the ALJ no later than January 21, 2004 whether it intends to pursue this motion.

4. All requests for extensions of time, changes in the schedule, or other new matters must be made in writing. If time permits, requests must be made by motion pursuant to Rule 45 of the Commission's Rules of Practice and Procedure.

Dated December 1, 2003, at San Francisco, California.

/s/ ANNE E. SIMON
Anne E. Simon
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Modifying Schedule and on Motions to Strike on all parties of record in this proceeding or their attorneys of record.

Dated December 1, 2003, at San Francisco, California.

/s/ KRIS KELLER

Kris Keller

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at

A.03-01-013, et al. AES/hl2

(415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.